

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FOSTER, et al.
Serial Number: 10/531,668
Confirmation No: 1843
Filed: September 1, 2005
Group Art Unit: 3682
Examiner: Chong Hwa KIM
Attorney Docket No: 13058N/050417
Attorney Customer No: 32885
For: Anchoring Means For The Sheath Of A Bowden Cable

RESPONSE TO EXAMINER'S INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-identified application, the following remarks,
beginning on the next page, are respectfully submitted.

REMARKS

Examiner Interview Summary

On May 20, 2010, an interview was conducted between Applicant's representative and Examiners Yabut and Luong. The interview is summarized on the Examiner Interview Summary Form, form PTOL-413. The Examiner's summary of the interview states that the amendment filed on May 18, 2010, raises new issues and will not be entered.

Of course, Applicant strongly disagrees with the position of the Examiner and the comments concerning why the amendment should have been entered are on page 8 of the outstanding amendment.

The issue appears to be moot since out of necessity and simplicity's sake, an RCE was filed on May 21, 2010. However, the purpose of this paper is to summarize an additional topic that was discussed during the interview but not recorded in the record. The position of Examiner Luong is that the outstanding amendment after final was subject to the requirements of 37 C.F.R. §1.111, entitled Reply by Applicant or Patent Owner to a Non-Final Office Action.

Examiner Luong's position was that one reason the amendment was not entered is because since it was after final, Applicant had a duty to not only respond to each and every issue raised in the office action (this requirement does not appear to be an issue), but further dig through the record and find each and every reference cited on PTO Form

892 (Notice of References Cites) by the Examiner and the Information Disclosure Statement and provide the office a summary as to why the claims as amended are patentably distinguished from each prior art reference cited on those documents.

Applicant's representative strongly disagreed with this requirement and stated that the Examiner had no basis for requiring such action from Applicant. The burden is on the Patent Office to show Applicant is not entitled to a patent. Examiner Luong's policy clearly flies in the face of that long-standing requirement and places the burden on Applicant to show why they are entitled to receive a patent. That is not proper or permitted by USPTO policy or by statute.

The time and attention of the Examiner are greatly appreciated.

No fee is required for the filing of this paper.

The Commissioner is authorized to charge any additional fees or credit any overpayment coincident to this Request to Deposit Account 50-2752.

Respectfully submitted,



Richard S. Myers, Jr.
Registration No. 42,022
STITES & HARBISON
401 Commerce Street, Ste 800
Nashville, TN 37219
615-782-2333
Attorneys for Applicant